

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6379

BILL NUMBER: HB 1446

NOTE PREPARED: Dec 11, 2006

BILL AMENDED:

SUBJECT: Distribution of Certain Court Fees.

FIRST AUTHOR: Rep. Thompson

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

STATE IMPACT	FY 2007	FY 2008	FY 2009
State Revenues		(1,901,040)	(1,901,040)
State Expenditures			
Net Increase (Decrease)		(1,901,040)	(1,901,040)

LOCAL IMPACT	CY 2007	CY 2008	CY 2009
Local Revenues		1,901,040	1,901,040
Local Expenditures			
Net Increase (Decrease)		1,901,040	1,901,040

Summary of Legislation: This bill decreases the state share of criminal costs fees, infraction or ordinance violation costs fees, juvenile costs fees, civil costs fees, small claims costs fees, probate costs fees, and deferred prosecution fees collected by court clerks from 70% to 67%. It also increases the share of those fees distributed to certain cities and towns from 3% to 6%.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: The distribution of the following fees are affected by this bill.

Fee	Amount	When Paid
Criminal Costs	\$120	If guilty verdict is issued by court
Infraction or Ordinance Violation	\$70	
Juvenile	\$120	
Civil	\$100	Plaintiff pays at time of filing
Small Claims	\$35	
Probate	\$120	
Deferred Prosecution Fee	\$120	Upon agreement with prosecuting attorney

Civil plaintiffs and criminal defendants in circuit, superior, county, and probate courts (courts of record) and city and town courts pay the fee amounts shown in the table. But the revenues produced by these two court systems are distributed differently, as shown in the table below.

	Circuit, Superior, County and Probate Courts	City and Town Courts
State Share	70%	55%
County Share	27%	20%
City and Town Share	3%	25%

This bill would change the formula for courts of record by reducing the state share of court fee revenue generated by courts of record from 70% to 67% and increasing the city and town court share from 3% to 6%. No change would occur in the county share of courts of record. In addition, no change would occur in the revenue distributed between the state, county, and cities and towns from fees generated in city and town courts.

Revenue generated by the courts of record for court fees for CY 2005 and the redistribution had this bill's provisions been in effect are shown below.

	Current Percent	Court Fee Revenue Based on Current Percent	Proposed Percent	New Distribution	Revenue Change
State	70%	\$44,387,785	67%	\$42,456,556	\$(1,901,040)
County	27%	\$17,330,686	27%	\$17,109,358	\$ -
City and Towns	3%	\$ 1,649,523	6%	\$ 3,802,080	\$ 1,901,040
		\$63,367,994		\$63,367,994	

Explanation of Local Expenditures:

Explanation of Local Revenues: Cities and towns that prosecute more than 50% of municipal ordinance

violations in courts of record receive 3% of the court fee revenue generated by courts of record. These cities and towns generally will not have city or town courts. This bill will essentially double the revenue they currently receive.

Cities and towns with city and town courts might consider closing the courts that they currently operate if they anticipate greater net revenue by closing the courts. If a city or town closes their court, more cases would shift to the courts of record.

State Agencies Affected:

Local Agencies Affected: Cities and towns.

Information Sources: Indiana Supreme Court Office of State Court Administration.

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